IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE

CIVIL APPLICATION NO. 4318 OF 2004
IN
FIRST APPEAL NO. 1233 OF 2001

Office Notes, Office Memoranda of of Coram, appearances, Court's orders and Registrar's orders : Court's or Judge's orders

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Mrs. Varsha Palav for the applicant.

Shri P.D. Dalvi for the respondent.

CORAM: P.V. KAKADE, J.

DATED: 17TH DEC., 2004

P.C.:

1. Heard learned counsel for both parties.

2. This is an application for temporary custody of the child who is in the custody of respondent who is grandfather of the child i.e. father of child's deceased mother. The applicant is father of the child. The child is eight years' old and studying in school at the place where respondent lives. The prayer made by the applicant is that, temporary custody of the child be granted for Summer, Diwali and Winter/Christmas vacations for every year.

The learned counsel for the respondent makes statement that there is only one day

winter/Cristmas vacation for the child. On the other hand, the learned counsel for the applicant submits that there is vacation of one week as he is studying in convent school.

In view of these aspects, it is hereby directed that the minor child shall be given in custody of the applicant in the evening of 24th December, 2004 and shall remain in custody of the applicant for the entire period for which there is Christmas vacation.

It is clarified that if the Christmas vacation is only for one day, then the child shall be returned to the respondent - grandfather on completion of that vacation. In any case, on completion of the vacation the child shall be returned to the respondent one day in advance of the date on which school re-opens.

With these directions, the application stands disposed of.

In view of the facts and circumstances, hearing of the appeal is expedited and the

matter shall be placed before the regular Court for hearing in the month of March, 2005.

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